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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/542,067	07/11/2005	Katsuhiro Kubota	Q88635	2862
65565 7590 08/14/2008 SUGHRUE-265550 2100 PENNSYLVANIA AVE. NW WASHINGTON, DC 20037-3213				
EXAMINER VORTMAN, ANATOLY				
ART UNIT		PAPER NUMBER		
2835				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/542,067

Applicant(s)

KUBOTA, KATSUHIRO

Examiner

ANATOLY VORTMAN

Art Unit

2835

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because:
a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
b) ☐ They raise the issue of new matter (see NOTE below);
c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: amended clms 13 & 14 raise new issues. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: _____.

Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____

13. ☐ Other: _____.

/Anatoly Vortman/
Primary Examiner, Art Unit 2835

Continuation of 11, does NOT place the application in condition for allowance because:

Applicant's arguments are not persuasive. Applicant contends that "the fuses 8 and 10 are accommodated in different size fuse attachment portions. Accordingly, the fuses 8 and 10 are not attachable to each attachment portion. On the other hand, as set forth above in claim 1, the large-sized and small-sized fuses are attachable to the fuse attachment portions (i.e., the claimed fuse attachment portions can accommodate both sizes therein)". Examiner would like to point out that Applicant's interpretation of the claims is much more detailed than what the claims actually recite. The claims neither discuss the sizes of the fuse accommodating (attachment) portions, nor they specify that "fuse attachment portions can accommodate both sizes therein", as alleged by Applicant. Claims only broadly recite that "a housing provided with a plurality of fuse attachment portions divided by partition walls, a large-sized fuse and a small-sized fuse shorter than the large-sized fuse being attachable to the fuse attachment portions, wherein the fuse attachment portions are adapted to accommodate the whole small-sized fuse". This claimed structure clearly reads on the structure shown on Fig. 1 of US/6,585,541 to Higashida, as shown in the body of the outstanding rejection. Claims 13 and 14 are broader than argued.

Furthermore, Applicant contends that, allegedly "as shown in the non-limiting embodiment of Figure 1 of the present invention, the notch 65H is formed as a through-hole through the partition wall 65 to communicate adjacent fuse attachment portions to each other. The alleged notch of the fuse attachment portion 4 of Higashida fails to disclose such a feature". Again, the claims are broader than argued. The claims only broadly recite that "a part of the partition wall which is opposed to a part of the small-sized fuse accommodated in the fuse attachment portion is cut to form a notch to communicate with adjacent fuse accommodating portions from each other". There is not even a hint in the claim's language about the notch being formed as "a through hole" as alleged by Applicant. Again, the claims are broader than argued. Examiner would like to remind the Applicant that it is improper to import claim limitations from the disclosure: "It is important not to import into a claim limitations that are not part of the claim. For example, a particular embodiment appearing in the written description may not be read into a claim when the claim language is broader than the embodiment." *Superguide Corp. v. DirecTV Enterprises, Inc.*, 358 F.3d 870, 875, 69 USPQ2d 1865, 1868 (Fed. Cir. 2004). See also *Liebel-Flarsheim Co. v. Medrad Inc.*, 358 F.3d 898, 906, 69 USPQ2d 1801, 1807 (Fed. Cir. 2004). See also *In re Hiniker Co.*, 150 F.3d 1362, 1369, 47 USPQ2d 1523, 1529 (Fed. Cir. 1998) ("[T]he name of the game is the claim.").

In view of the above, the Applicant's arguments are moot and the rejection of claims 13 and 14 is hereby maintained.

/Anatoly Vortman/
Primary Examiner, Art Unit 2835